



**State of Tennessee**  
**Department of Environment and Conservation**  
**Division of Water Pollution Control**  
**Mining Section**  
**2700 Middlebrook Pike, Suite 220**  
**Knoxville, Tennessee 37921-5602**  
**PHONE (865) 594-6035 FAX (865) 594-6105**

**Notice of Public Hearing and**  
**Notice of Proposed Issuance of NPDES Permit**

**Public Hearing Notice M2003-03**  
**Issuance Date: July 8, 2003**  
**Expiration Date: August 11, 2003**  
**Last Day to Submit Written Comments: August 22, 2003**

The Division of Water Pollution Control, Mining Section, is requesting public comment on this proposed permit issuance. Notice is also given that the Division will hold the following public hearing at the request of the applicant, Appolo Fuels, Inc., pursuant to Rule 1200-4-1-.05(3)(g) of the Tennessee Department of Environment and Conservation. The hearing will be conducted at:

**7:00 P. M. EDT**  
**August 12, 2003**  
**Clairfield Elementary School**  
**6350 Highway 90**  
**Clairfield, Tennessee 37715**

**Company Information**

**Appolo Fuels, Inc.**  
**P. O. Box 1727**  
**Middlesboro, KY 40965**

**Site Information**

**Draft NPDES Permit TN0076414**  
**Jellico Strip Mine**  
**Valley Creek Road**  
**Clairfield, TN 37715**

Type of Discharges: Treated Wastewater and Storm Water  
Type of Operation: Surface Coal Mine

Latitude: 36°34'15"

Longitude: 83°54'42"

Receiving Streams: Clear Fork of the Cumberland River, unnamed tributary of Clear Fork of the Cumberland River, Valley Creek, Hurricane Creek, Bear Creek, unnamed tributaries of Valley Creek, unnamed tributary of Hurricane Creek, Pigeon Roost Branch of Hurricane Creek

County: Claiborne

### **Hearing Procedure:**

The hearing officer may limit oral presentations to five minutes and require that all testimony be relevant to water quality-related issues for this facility. Undue repetition in oral presentations should be avoided so that all interested parties will have an opportunity to present their concerns relative to water quality issues. Written testimony will be accepted at the hearing and for ten days following the hearing.

In making our permit decision, we can consider only comments and questions concerning those areas over which we have authority under the federal NPDES program and the *Tennessee Water Quality Control Act*. Issues not related to water quality or to the draft permit conditions and requirements will not be considered in making the permit decision.

### **How to Comment:**

The Division of Water Pollution Control, Mining Section, is requesting public comment on this permit action. Obtaining a broad range of facts and opinions on Agency actions is one of the best ways to ensure quality decisions. Persons wishing to comment on the proposed action are invited to submit comments in writing to the Mining Section at the above letterhead address, Attn: Public Notice Coordinator, by fax number (865) 594-6105, or by E-mail at [Gary.Mullins@state.tn.us](mailto:Gary.Mullins@state.tn.us). Comments must be received by the end of comment period date (see Page 1).

### **How the Department Will Proceed:**

The Director of the Division of Water Pollution Control will determine the final permit action after considering comments submitted during the comment period, the hearing record, and the requirements of the Federal and State acts and regulations.

### **To Obtain Permit Details:**

Draft Permits contain Anti-degradation determinations and Rationales that address information concerning the foundation for the Division's determinations. Copies of the application(s), draft permit(s), and supporting documentation are in the permit files maintained at the Mining Section's office at the letterhead address. These files are available for public inspection during normal office hours or by calling (865) 594-6035.

### **State of Tennessee Antidegradation Policy**

Tennessee's Antidegradation Statement is in Chapter *1200-4-3-.06* of the *Rules of the Tennessee Department of Environment and Conservation*. The primary purpose of the antidegradation policy is to establish a greater level of protection for high quality waters. Some high quality waters are in near-pristine condition. Others are determined to be high quality due to specialized uses and/or unique features.

Generally, there are two types of high quality waters. Outstanding National Resource Waters (ONRWs) or Tier 3 waters receive the greatest level of protection. The Water Quality Control Board designates these waters. New discharges or expansion of existing discharges cannot degrade existing water quality.

The Department identifies other high quality waters known as Tier 2 waters and protects against their degradation. The Water Quality Control Board may allow some degradation if the Board deems it economically and socially necessary. Tier 1 waters refer to other surface waters that do not have the identification and/or designation as high quality. These waters must achieve and maintain Tennessee's Water Quality Standards.

#### **State of Tennessee Policy of Non-Discrimination**

Pursuant to the State of Tennessee's policy of non-discrimination, the Tennessee Department of Environment and Conservation does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in its programs, services or activities. Equal Employment Opportunity/Affirmative Action inquiries or complaints should be directed to the EEO/AA Coordinator, Office of General Counsel, 401 Church Street, 20<sup>th</sup> Floor L & C Tower, Nashville, TN 37243, 1-888-867-7455.

ADA inquiries or complaints should be directed to the ADA Coordinator, Human Resources Division, 401 Church Street, 12th Floor L & C Tower, Nashville, TN 37243, 1-866-253-5827. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298). Such contact may be in person, by writing, telephone, or other means and should be made no less than ten days prior to **August 12, 2003**, to allow time to provide such aid or services.

Please bring this notice to the attention of persons who you know will be interested.